

REMARKS

Applicants reply to the non final Office Action dated November 19, 2009, within the shortened statutory period for Reply. The Examiner rejects all pending claims. Support for the amendments may be found in the originally-filed specification, claims, and figures. Applicants respectfully request reconsideration of the pending claims.

Rejection based on 35 U.S.C. § 112, first paragraph

Claims 5, 7-12, 51-57

Applicants again take the Examiner's omission of reference to any 35 U.S.C. § 112, first paragraph rejection in the outstanding Office Action to mean that the Examiner has withdrawn the rejection. If so, Applicants thank the Examiner for the same and respectfully request an explicit statement of withdrawal of the rejection so that the record is unambiguous in this regard.

However, if the rejection still stands, in an effort to fully Reply to the outstanding Office Action, Applicants respectfully traverse the rejection and ask the Examiner to consider Applicants comments made in the September 30, 2008 Reply and in the June 2, 2009 telephonic conversation between the Examiner and Applicants' patent counsel.

Rejection based on 35 U.S.C. § 112, second paragraph

Claims 58 and 59

The Examiner rejects claims 58 and 59 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that it would be unclear to one of ordinary skill in the art to understand the technical meaning of "wherein said script character encodes a signal to execute code (claim 58 and 59).

Applicants note, among others, paragraph [0101] of the present specification:

Most scripting languages require certain characters for formatting commands. For example, the JavaScript language is frequently encoded with script instructions placed between angle brackets (" $<$ " and " $>$ "). Hence, the angle brackets may be removed from any content that will be returned by a trusted portion of the Web site. If a Web page provided from a trusted portion of the Web site were to include a "criminal" JavaScript program attempting to use angle brackets, for example, the script instructions would not execute on the user's computer because the script instructions would not be properly formatted after removing the angle brackets. Alternatively, certain "dangerous" characters (such as the angle brackets in JavaScript) may be returned in an alternate format, for example, in "ampersand notation" with an ampersand (" $\&$ ") and an American Standard Code for Information Interchange (ASCII) value for the particular character, or by replacing the "dangerous" character with a safe character, such as the "space" character (step 1306). It will be appreciated that any characters could be

eliminated or encoded in various embodiments of the invention depending upon the particular languages, scripting environments, and the like that may be utilized.

Thus, the present specification discloses that, for example, angle brackets (" $<$ " and " $>$ "), may be used to encode a signal to execute code. Accordingly, Applicants request that this rejection be withdrawn.

Rejection based on 35 U.S.C. § 103(a)

Claims 5, 8-10 and 51-57

The Examiner rejects claims 5, 8-12 and 51-57 under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 6,272,641 to Ji et al ("Ji"). Applicants respectfully traverse this rejection as set forth below.

Ji discloses an applet scanner that scans Internet-obtained applets for appropriate marking with additional security monitoring. See Abstract. Ji's invention involves a scanner that scans applets for "problematic" code. See col. 3, lines 25-30. If such code is found, Ji's scanner then "marks" the problematic code, which may include the insertion of additional code. See col. 3, lines 27-34. Upon execution of the applet on the client, the "marked" code is monitored for compliance with a security policy. See col. 3, lines 47-58. As previously noted, Ji teaches insertion of code **near** "problematic" code. Ji is not altering the problematic code at all, but instead is annotating the code for later evaluation in a run time environment. After Ji's insertion of special codes in front of problematic code, the problematic code still remain in executable form. Further, Ji contemplates **execution** of at least a portion of the executable code, albeit under monitoring.

The Examiner concedes that Ji does not disclose, at least, "at least one of editing and removing at least a portion of said executable commands," as recited in claims 5 and 57, though the Examiner then asserts that such an element is obvious through Ji's disclosure of:

The suspicious instructions each may (or may not) be instrumented as described above; the instrumentation involves altering suspicious instructions such as by adding code (such as the pre- and post-filter calls) or altering the suspicious instructions by replacing any suspicious instructions with other instructions. See Ji col. 3, lines 47-58.

The present claim 1 includes, at least, "wherein said at least one of editing and removing comprises at least one of rendering said executable commands unexecutable by the network client by removing a character of said executable commands; and rendering said executable commands

unexecutable by the network client by replacing particular characters within said executable commands.”

As noted above, Ji discloses, “altering suspicious instructions such as by adding code (such as the pre- and post-filter calls).” Applicants submit that Ji teaches adding new code “near” the suspicious code, and indeed, the suspicious code is not altered at all and remains executable. Thus, Ji does not disclose or contemplate, at least, “rendering said executable commands unexecutable by the network client by removing a character of said executable commands.”

Also as noted above, Ji discloses, “altering the suspicious instructions by replacing any suspicious instructions with other instructions.” Applicants submit that Ji thus teaches replacing the suspicious instructions with other instructions, or stated another way, Ji teaches the insertion of new, complete, properly-formed, executable instructions that may be carried out by a computer. Thus, Ji does not disclose or contemplate, at least, “rendering said executable commands unexecutable by the network client by replacing particular characters within said executable commands.”

Accordingly, Ji does not disclose or contemplate at least, “at least one of editing and removing at least a portion of said executable commands” as recited in independent claims 5 and 57.

Dependent claims 8-12 and 51-56, variously depend from independent claim 5, so Applicants assert that dependent claims 8-12 and 51-56 are patentable for at least the same reasons for differentiating the independent claim 5, as well as in view of their own respective features. Independent claim 57 contains similar language as claim 5. Accordingly, Applicants respectfully submit that this rejection be withdrawn.

Claims 11-12

The Examiner rejects claims 11-12 as unpatentable over Ji in view of U.S. Patent No. 6,473,794 by Guheen (“Guheen”). Applicants respectfully traverse this rejection as set forth below.

Ji is discussed above and Guheen is discussed in previous Replies, notably the April 17, 2008 Reply to Office Action. Guheen generally discusses testing of electronic systems. The teachings of Guheen do not cure the deficiencies of Ji. Moreover, dependent claims 11-12, variously depend from independent claim 5, so Applicants assert that dependent claims 11-12 are patentable for at least the same reasons for differentiating the independent claim 5, as well as in view of their own respective features.

Claim 58 and 59

Applicants note that claims 58 and 59 are listed as rejected under 35 U.S.C. § 103(a) on page 6 of the outstanding Office Action but is not listed in the summary of the 35 U.S.C. § 103(a) rejections

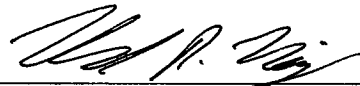
on page 3 of the outstanding Office Action. Applicants interpret this as a rejection of claims 58 and 59. Dependent claims 58 and 59 variously depend from independent claim 5, so Applicants assert that dependent claims 58 and 59 are patentable for at least the same reasons for differentiating the independent claim 5, as well as in view of their own respective features. Accordingly, Applicants respectfully submit that this rejection be withdrawn.

Conclusion

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

Date: 2/17/10

By: 
David Nigro, Reg. No. 60,478

SNELL & WILMER L.L.P.
One Arizona Center, 400 East Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6509
Fax: (602) 382-6070
Email: dnigro@swlaw.com